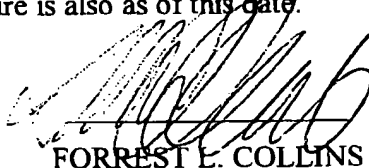


CASE 1135

PATENT

I certify that this correspondence is being transmitted as a facsimile to 703-308-0758 addressed to the Assistant Commissioner of Patents and Trademarks, Washington D.C. 20231 on April 10, 2001 and that my signature is also as of this date.



FORREST E. COLLINS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: Lacyk, J. P.

Dr. Vernon Wen-Hau Lin, M.D.

Art Unit: 3736

Serial No. 08/326,853

Filed: June 7, 1999

Title: Treatment of Excretory Problems

## RESPONSE B

Dear Sir:

Please enter the following amendment to the above-entitled application in response to the Official Action dated July 13, 2000. No new matter is presented.

## Discussion of the Rejection under 35 USC 112 First Paragraph

The Examiner has rejected claims 1 through 25 inclusive based on the first paragraph the above statute, "... as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification and claims add new matter which was not supported by the original disclosure,..."

The Examiner states of the foregoing rejection is made because it is unclear whether the application was intended to be a continuation, original or a continuation-in-part of serial No. 08/88,767. The Examiner continues stating that the declaration, claim for small entity status and new application transmittal sheet made no reference to any parent application and lists this application as an original and not a continuation-in-part.

Vernon Lin  
Amendment April 9, 2001  
Serial No. 09/326,853  
Filed: June 7, 1999

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The applicant regrets any confusion generated in the filing of this application. The application as the Examiner has noted is a continuation-in-part as the text on the first page of the patent application indicates. The applicant reaffirms that the present application is a continuation-in-part.

The applicant maintains that the above quoted statute does not in any manner relate to possession of an invention or to the status of an application as being a continuation, original or a continuation-in-part application.

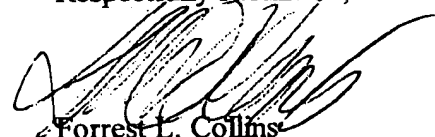
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.  
35 USC 112, 1<sup>st</sup> paragraph.

It is clear that the specification as filed correctly identifies the application as a continuation-in-part. Any other papers, other than the drawings, filed with the application are not part of the specification. Thus, the rejection made under the above quoted statute is improper in any event.

#### CONCLUSION

Claims 1 through 25 inclusive are pending in the application. An early Notice of Allowance is earnestly solicited. Should the Examiner have any questions concerning this application they may be directed to the applicant's attorney at the number below.

Respectfully submitted,

  
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